

*On the Laws and Law-books of the Armenians.* By JOHANNES  
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[This paper, Mr. Avdall informs me, was drawn up at the instance of Mr. J. C. C. Sutherland, who having referred to the author for information on the recognized sources of Armenian law, was answered by the production of this erudite paper. It contains a very clear exposition of a subject wholly unknown to general students, and mooted points of historical as well as legal interest.]



An account of the first enactment of laws, instituted in Armenia, by the Armenian king Valarsaces, a descendant of the Arsacidæ, is recorded in the historical work of Moses Chorenensis, a Latin translation of which, with the Armenian text, was published at London, in the year 1735, by the two brothers, William and George Whiston. This Armenian historian, of venerable antiquity, enumerates in a successive and proper order, the rules and regulations enacted by Valarsaces, both for the guidance of the inmates of the royal palace, and of the citizens in general. “**Եւ որէնս իմն հաստատէ ՚ի տան թագաւորութեան իւրոյ, և ժամս որոշէ ելլմտից և խորհրդոց և խրախճանութեանց և զբօսանաց . . .** Հրաման տայ քաղաքացեաց մարդկան արգոյ և պատիւ լինել քան զգեղջկաց, և գեղջկաց պատուել զքաղաքացիս որպէս զիշխանս . և քաղաքացեացն մի՛ կարի առ գեղջկօքն պերճանալ, այլ եղբայրաբար վարիլ վասն բարեկարգութեան և սննախանձոտ կենաց, որ է շինութեան և խաղաղութեան և կենաց պատճառք, և որ ինչ նման այսոցիկ : Եւ 7. “*Legesque quasdam de aulâ suâ posuit, quibus exeundi et intrandi, consiliorum, et epularum atque oblectamentarum tempora distribuit. Ampliorem dignitatem atque honorem civibus, quàm rusticis haberi jubet ; Rusticis, ut cives, tanquam principes, colant, imperat ; Civibus, ne se erga rusticos superbè gerant, sed fraternam inter se vitam degant, honestè institutam, et ab invidiâ remotam, unde tranquillitas vitæ et securitas, aliâque ejusdem generis sint oritura.*” *Lib. II. Cap. VII.*—From the foregoing facts it is evident that Valarsaces had

given a code of laws for the guidance of the Armenians. To have orally delivered these laws, without committing them to writing, was certainly unbecoming the enlightened and civilised reign of Valarsaces. But, of all the laws enacted by this king, one is repeatedly quoted by Moses of Chorene, which shall be mentioned below.

*Laws enacted during the reign of the Arsacidæ, first by Valarsaces the Parthian, and afterwards by others.*

In the foregoing chapter Moses Chorenensis writes thus about Valarsaces:—“**Եւ քանզի բազում ունէր ուստերս, պատշաճ վարկաւ ոչ ամենեցուն առ իւր կալ ՚ի Սըծբին (ուր բնակէր յայնժամ ինքն Վաղարշակ.) վասն որոյ առաքէ զնոսա բնակել ՚ի կողմանս Հաշտենից, և ՚ի ձորն նորին սահմանեալ, որ է արտաքոյ Տարօնոյ. ՚ի նոսա թողլով զշէնս ամենայն հանդերձ յաւելուածով մտից առանձինն, և ոռճկաց կարգելոց յարքունուստ, և միայն զառաջին որդին՝ որ կոչէր Արշակ, պահէ առ իւր ՚ի համար թագաւորութեան: Եւ եղև այս յայնմ հետէ և առ յապայ օրէնք ՚ի մէջ Արշակունեաց, միոյ որդւոյ բնակել ընդ արքայի, փոխանորդ լինել թագաւորութեանն. և այլ ուստերաց և դստերաց գնալ ՚ի կողմանս Հաշտենից՝ յազգին ժառանգութիւն:”**

“Caeterùm quum multos filios haberet, parum utile esse ratus, ut cuncti ad Nisibim manerent, in provinciam eos Hastensem dimisit, et ad Zoram, quae fines ejus contingit, trans Taronem sitam; illisque universa ea oppida attribuit et stipendia insuper de gazâ regiâ singulis statuit; at ex filiis suis, natu solùm maximum, Arsaces ei nomen erat, imperio destinatum. Deinceps inde consuetudo Arsacidarum fuit, ut unus de filiis cum rege habitaret, regni successor futurus, cæterique filii ac filiae in regionem Hastensem ad possessiones suas abirent.” Artavazd the First, moreover, conferred on the Armenian princes, possession of the provinces of Aliovit and Arberany.

“ Սա Ժառանգեցուցանէ զեղբարս իւր և զքորս ՚ի գաւառս Աղիովտի և Առբերանոյ, [Ժողով ՚ի նոսա զմասն արքունի՝ որ ՚ի շէնս այնմ գաւառաց, հանդերձ առանձին մտից և ռոճկաց, ըստ օրինակի ազգականացն՝ որ ՚ի կողմանս Հաշտենից, որպէս զի լինել նոցա պատուականագոյն և առաւել [Ժագաւորազնն քան զայնս Արշակունիս, միայն օրինադրէ ոչ կեալ յԱյրարատ ՚ի բնակութիւն արքայի :” Թ .

21. “ Is fratribus suis ac sororibus possessiones in provinciis Aluhotensi et Arberanensi dedit, regeúmque eis vectigal attribuit, quod ex provinciae ejus oppidis redibat, propriumque ipsis stipendium insuper statuit, de more cognatorum, qui in regione Hastensi habitabant, ut honoratiores essent, atque adeò ad regeam dignitatem propiùs accederent quam Arsacidæ caeteri; lege tantùm sanxit, ne Araratam, quæ erat regia habitatio, incolerent.”—*Lib. II. Cap. XXI.*—Sánátrúk also sent the daughters of Abgarus to that part of the country, about which Moses of Chorene says:—“ Զամենայն զաւակ տանն

Աբգարու մաշեաց սրով բաց յաղջկանց, զորս եհան ՚ի քաղաքէն (Եդեսիոյ) բնակել ՚ի կողմանս Հաշտենից :” Թ .

32. “ Sed omnem Abgari stirpem, præter puellas, ferro sustulit, quas, ex oppido eductas, in provinciâ Hasteniâ collocavit.”

*Lib. II. Cap. XXXII.*—Following this example, Artavazd the Second, sent the other princes to those provinces. “ Հալածէ յԱյրարատոյ զամենայն եղբարս իւր ՚ի գաւառս Աղիովտայ և Առբերանոյ, զի մի՛ բնակեցցեն յԱյրարատ ՚ի կալուածս արքայի, բայց միայն զՏիրան (զեղբարս իւր) պահէ փոխանորդ իւր . զի որդի ոչ գոյր նր՝ :” Թ .

58. “ Artavazdes omnes fratres suos ab Araratâ in Aluotam et Arberaniam provincias pepulit, ut ne Araratam ac possessiones regias incolerent. Tiranum modò secum retinuit, regni successorem, cum sibi non esset filius.” *Lib. II. Cap. LVIII.*—The royal descendants having permanently settled in these parts of the country, began to

increase and multiply, and after the lapse of several years, the number of their offspring became very considerable, so much so, that an appeal was made by them to Tiran the First, touching the insufficiency of the provinces allotted for their habitation, to contain such an increased and increasing number of inhabitants. Moses of Chorene says:

“**Եւ եկեալ առ նա կանխագոյն իւրոյ ազգին Արշակունեաց որ էին ՚ի կողմանս Հաշտենից, ասեն ընդարձակեա՛ն մեզ զժառանգութիւնս զի նեղ է, քանզի բազմացաք. և նա հրամայէ ոմանց ՚ի նոցանէ երթալ ՚ի գաւառն Աղիովտի և Առբերանոյ, իսկ սոցա առաւել ևս բողոք կալեալ առ արքայի, [Ժէ առաւելագոյն նեղ է մեզ, ոչինչ ունկնդիր լինի Տիրան, այլ հաստատեալ վճիռ՝ ոչ այլ ժառանգութի տալ նոցա, բայց զոր ունին հաւասար տրոհել յինքեանս. զոր բաժանեալ ըստ մարդաթուի՝ գտաւ պակաս ժառանգութիւն բնակողացն Հաշտենից. վասն որոյ բազումք ՚ի նոցանէ եկեալ ՚ի գաւառն Աղիովտի և Առբերանոյ:”** Թ. 59.

“Caeterum brevi tempore interjecto ad eum gens sua Arsacidarum venit, quae Hastenios tractus habitavit, dicens, “profer nobis haereditatis fines, quae arctae sunt, cum simus admodum multiplicati.” Ille vero eorum nonnullos in Aluotam et Arberaniam provincias migrare jussit; cumque ii ad regem acrius clamarent, regionem eam ipsos nimis coartare, Tiranus, nihil annuens, Edicto sanxit daturum se eis haereditatem aliam nullam; quam tenebant, aequaliter inter se dividerent. Quam cum pro hominum numero partiti essent, incolis minimè sufficere Hastenia reperta est, ac propterea multi eorum in provincias Aluotam et Arberaniam commigrarunt.” *Lib. II. Cap. LIX.*—Immediately after the death of Khosrow the Great, when Ardashir, king of Persia, made an aggression on Armenia and conquered the country, he extended his royal munificence and support to these descendants of the Armenian kings. For the said venerated historian says: “**Իսկ Արտաշորի գեղեցկապէս յարդարեալ զաշխարհս**

Հայոց՝ ՚ի կարգ առաջին հաստատէր, նա և զԱր-  
շակունիսն (զարքայորդիսն) զմեկուսացեալսն ՚ի [Թա-  
գէն և յԱրարատն բնակելոյ՝ կարգէ ՚ի նոյն տեղիս  
մտիւք և ուճկօք որպէս էինն :” Թ. 74. Tum Artasires  
Armeniae terram egregiè ornavit, atque in antiquum statum restituit.  
Arsacidas ab regno et domicilio Araratensi pulsos, in eundem locum  
reduxit, et eadem eis, quae priùs habuerant, stipendia statuit.” *Lib.*  
*II. Cap. LXXIV.*

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*Of the Satraps of Armenia.*

History also tells us, that there were specific laws extant for the guidance of the Satraps of Armenia. Faustus of Byzantium, who wrote an Armenian history in the fourth century, alludes to the existence of certain laws, which seem to have obtained in Armenia only during the reign of Khosrow the Little. “Posterior to this,” says Faustus, “the Persians were incessant in waging wars with the king Khosrow. Laws were, in consequence, enacted by the king for the guidance of the Armenian satraps, grandees, chiefs, and lords, whose number was very considerable, and on whom it was made obligatory to remain near to their royal master, and none of them were permitted to accompany the expedition against the king of Persia. This measure was adopted by Khosrow, from a want of confidence in the sincerity of the attachment of the nobles of his court. The terror of the disloyalty of Databi had seized upon his mind, and he apprehended the occurrence of a similar event in his own country.” *Faustus. Lib. III. Cap. VIII.*

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*Laws enacted during the reign of the Bagratidæ.*

Of the laws enacted during the days of the Bagratiat kings, no record has been preserved in the annals of the Armenian historians. But, from ancient Armenian manuscripts, found at Lemberg or Leopoldis, a city in Poland, it is ascertained that the Armenians, who emigrated in the eleventh century from the thickly populated city of Ani,\* and other provinces of Armenia to that part of Europe, had carried with them the code of laws by which they were guided in their own

\* Ani was a most magnificent and populous city in Armenia towards the close of the tenth century, and contained one thousand and one churches ! See my History of Armenia, vol. II. p. 92. It is nothing now, but a heap of ruins.

country. This code of laws was translated into Latin in the year 1548, by order of Sigismund the First, king of Poland. It is greatly to be regretted that not a single copy of this Latin translation of the Armenian code of laws has made its way to British India. It is, however, consolatory to learn, that this translation is to this day preserved in the library of the Armenian College at Venice. Sigismund writes thus in the preface to that code of laws: "Although we have to this day sheltered and protected the Polish Armenians, our subjects, under their own Armenian privileges and laws, by which our predecessors had acknowledged and governed them, but on the occurrence of dissensions and disputes between them and the citizens, it was thought necessary to have that law-book of theirs, which was written in the Armenian language, and which was only understood by themselves, translated by them into Latin, and presented to us in that form, so that every cause of suspicion and collusion should be removed, and that we should, by the help of the members of our council, make judicious inquiries into its contents, and, by a slight alteration, confirm the same." After writing thus far, he mentions the name of Johannes, the Bagratian king, and cites his mandate in the following manner: "Johannes, by the grace of God, king of Armenia, during the days of his auspicious reign enjoined, not to open courts of judicature on Sundays—not to borrow money—not to prefer claims against debtors; and made other similar enactments for the observance of Sundays." After this he adds: "It is enjoined by the Armenian king Theodosius, (perhaps Ashot,) of happy and blessed memory, and other orthodox Armenian kings and princes, to render justice and equity to all—to cities, towns, villages," *et hoc genus omne*. These quotations are corroborative of the existence of laws and law-books in Armenia, during the reign of the Bagratidæ.

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#### *Of the succession of Kings.*

Although after the subversion of the kingdom of the Bagratidæ, we meet with a specimen of the law of succession in the commencement of the code of Mechithar Ghosh,\* yet it is evident that this law was in

\* Mechithar Ghosh flourished in Armenia towards the close of the twelfth, and the beginning of the thirteenth century. Besides his code of laws, he is known to be the author of several other valuable works in the Armenian language. *Ghosh* is the cor-

force in Armenia during the reign of the Bagratian kings, with some slight variations. In the days of the Arsacidæ the crown devolved from son to son in a lineal succession; but the law of the Bagratidæ confers the right of succession upon brothers. There are also some other laws, of which I shall furnish the reader with an extract: "Although," says this legislator, "the crown by right devolves upon the first-born, yet the most eminent for his wisdom is to succeed to the throne. So long as the king's brothers survive him, his sons are debarred from a succession to the throne. But, on the extinction or demise of the brothers, then the crown devolves upon the king's sons. Should the king leave a daughter surviving him, she is to be invested with the title of nobility, and is, together with her husband, entitled to one-half of a share of a brother. And, on the demise of kings, if there be a son from the son, and a son from the daughter, the son's son is to succeed to the throne, but not the daughter's. And so long as there may be descendants of the son, the daughter's children are debarred from succession, at which any attempt made by the latter is unlawful and unjust. For, it was in this manner that our king Abgarus enacted laws for the succession to the throne of Persia. And the patriarch Noah apportioned to the sons and the daughter, the regions of the southward, as women also rule over those parts."—Then the legislator describes the manner in which the succession is to descend when there be only a daughter, but no son surviving the king. Or, if there be no heir to the king, then the right of succession devolves on his kinsmen, one of whom only is to reside at the royal palace near the king, and the rest are to be domiciled at a distance, according to the custom prevalent among the former kings of Armenia. All this is written by Mechithar Ghosh, in the commencement of the second chapter of his code of laws. By the last quotation, the legislator means to allude to that usage of the kings of the Arsacidæ, of which mention was made above. The law of succession was not, however, kept inviolate during the reign of the Bagratidæ, among whom there were

ruption of the Persian word *خاموش* corresponding with *բարձ* or *բարդ* or vulgò *բրուսի* in Armenian. This appellative cognomen was added to the Christian name of the Armenian legislator, in consequence of his having very little or no beard. By this distinguishing appellation he is invariably mentioned throughout the works of his cotemporaneous writers, and in the page of our national history.

found some pretenders and upstarts, who created disturbances by disputing the right of succession. The collision of Atshot with his brother Johannes, is a remarkable instance of this dispute.\* But, during the reign of the Arsacidæ, the whole of the royal descendants, with the exception of Sánátrúk, adhered to this law of succession.

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*Some other items of the Laws of the Bagratidæ.*

Taxes are alluded to in the second chapter of the code of Mechithar Ghosh, who treats of the royal courts of judicature, and of those subordinate thereto: "Kings and princes," says this legislator, "ought justly to impose taxes on lands and nations, and not to exact more than what is tolerated or allowed by immemorial usages. They will have to render an account of their stewardship to the great God. They were appointed for the preservation and welfare of the country, but not to entail ruin and misery upon the people placed under their government. The imposition of taxes ought to be in the following manner: one-fifth of the produce of cultivated lands is to be given to the state. Lands, gardens, and orchards, purchased by the people, are not to be subjected to this tribute. Watermills and houses are in like manner to enjoy this exemption. The inhabitants are to be taxed for the trade in which they are respectively engaged, and the commodities which they offer for sale. Christians are considered exempt from a poll tax, which is only to be imposed upon unbelievers. Irrigated lands are subjected to a tribute of one-fifth of their produce, and enfranchised or quit lands are subject to the payment of tithes. Because the right of kings and princes extends only to earth, but not to water, enfranchised lands, orchards, and gardens, are also exempt from taxation. In like manner, of the seven days in the week, one is to be devoted to the royal service. To demand from labourers more than this, is a great injustice. No specific tax is to be imposed upon oxen, besides that of one-fifth alluded to above. A pound of butter is only to be levied upon each cow. Pasture-grounds are exempt from the tax which is imposed upon cattle that graze therein. The sheep are to be tithed in their lambkins, which can be exchanged with the sheep *ad libitum*. Horses, mules, and asses, are not to be taxed, because by the

\* Vide my History of Armenia, vol. II. p. 109.



help of these animals essential services are rendered to the government of the country."

From the same chapter of the code of Mechithar Ghosh, we shall quote what relates to the administration and law of precedence of the ancients. "It is unjust in princes to impose a tax upon believers, because the unbelievers are alone to be taxed. It is proper to exact tribute from the latter, but not from the former, as it is done by the Georgians to those placed under their subjection. When a tract of land is granted by the crown to an Armenian nobleman,—if a fort be raised on it by the latter in accordance with the royal consent, or if a village be constructed thereon, or if ruined buildings be repaired thereon,—then, and in that case, the same tract of land is to devolve on him and his heirs in perpetuity. The land so granted is by no means to be alienated from him without a very serious and heinous offence. And, after the death of the person or persons on whom that land is conferred, the gift is to devolve on his, her, or their, descendants by order of the king. In like manner, nobles are to be next to princes, according to the seniority or priority of the latter, and citizens and peasants ought to be subordinate to nobles.—Forests cleared, and ruined places repaired or rebuilt, are to be the undisputed and inalienable property of the enterprising persons at whose expense the works were performed, and are to devolve on their children in perpetuity after their death. On the construction of a city or fort, should there be a deficiency of money in the public treasury, it is incumbent on the people to render their general support towards the completion of the building. Citizens are to enjoy the honor of precedence to villagers, and inhabitants of villages should precede in rank the farmers and husbandmen. This law of precedence is, in like manner, to obtain among the denizens of forts and villages. These have been the usual and invariable practices among the ancient kings of Armenia." The concluding portion of this quotation alludes to the usages prevalent in our country during the reign of Valarsaces, as stated above.

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*Courts of Judicature, and Codes of Laws in Armenia.*

In our national history mention is made of the institution of courts of judicature by Valarsaces, during the days of the Arsacidæ, as it appears from the testimony of Moses of Chorene, while speaking of the

public acts of this monarch. “**Իրաւարարս ՚ի տան արքունի, իրաւարարս ՚ի քաղաքս և յաւանս : Թ. 7 :** “*Judices in aulâ regiâ, judices in oppidis villisque statuit.*” *Lib. II. Cap. VII.* Where there are judges, there must of necessity be courts of judicature, in which judges and arbiters hear causes, and administer justice by the employment of officers and subordinates, without whom judicial affairs cannot be properly managed and conducted. But, that there were actually courts of judicature in existence in Armenia, we have conclusive and satisfactory evidence in the work of that ancient historian. **Գիւղից և զաւառաց, ևս և իւրաքանչիւր տանց առանձնականութեց, և հանուրց հակառակու- [Թեանց և դաշանց, այժմ առ մեզ գտանին անբաւ զըուցաց մատեանք, մանաւանդ որ ՚ի սեպհական ազատութեն (նախարարութեն) պայազատուի : Խ. 2 :** “*Quibus adhuc devicis at provinciis, atque etiam rebus sigillatim domesticis, publicisque controversiis, ac fœderibus, scripta extant apud nos innumera historiarum volumina, ac praeicipué dum successio mansit libera.*” *Lib. I. Cap. II.* It is evident that such codes of laws and instruments regarding which disputes and differences might have naturally arisen, by the lapse of several years, among heirs, coheirs, and legatees, were carefully kept in courts of judicature, conformably to the order of the government of the country. This has been the common and invariable practice of civilized nations, in all ages and in all countries.

We have also incontrovertible proofs of the existence of law-books in Armenia during the reign of the Bagratidæ, in the Latin translation of the code compiled and prepared under the auspices of the Armenian king, Johannes the Bagratiar, of which mention was made above. The classification of the chapters of this code is preceded by this sentence :—“The Armenian kings lay down this model of justice for the guidance of their judges.”—Then follow, in separate chapters, laws respecting the adjustment of disputes arising from wills—laws enacted for the settlement of differences among married parties—and laws intended for the correction of offenders and the punishment of criminals.

In the face of all these evidences, one cannot but be greatly astonished in reading the introduction to the code of Mechithar Ghosh, where-

in he frequently alludes to a total absence of laws and law-books among the Armenians, and to the consequent necessity of his collecting data, and embodying them in the form of a code of laws! In the second chapter of his law-book, the heading of which is, "Why were we disposed to compile this book, or what incentives induced us to resolve on framing this code?" Mechithar Ghosh furnishes the reader with a statement of his reasons for so doing, of which the following is an extract:—"That we have often been accused not only by unbelievers, but by Christians also, of a total absence of law-books, based upon the principles of evangelical laws. That lest, from the non-existence of a written law, the Armenians should apply or appeal to unbelievers for justice. That many, on various occasions, ignorantly distort the true meaning of laws, and it is for their information and correction that we were induced to compose this code of laws. Not content with this alone, we caused this code to be placed in courts of judicature, as a record intended for occasional and necessary reference. That being destitute of written laws, our predecessors were unable to make references, but, on the removal of this want, we shall now avail ourselves of this record, and be able to afford a proof to unbelievers of the existence of written laws amongst us, by which they will be silenced, and obliged to desist from heaping on us accusations for the apparent want of a code. We were for a very considerable time subjected to the keenest reproaches of our countrymen and strangers for the absence of a law-book, and their censures proved as a spur to us in undertaking the preparation of a code of laws...I was also seized with astonishment at the apathetic indifference displayed by our ancestors in not supplying this desideratum."

These remarks were written by Mechithar Ghosh, towards the close of the twelfth century, at which period, as stated above, he flourished in Armenia in the character of an Armenian lawgiver, and erudite author. But, as the numerous Armenian families that first quitted Armenia emigrated to Poland in the middle of the eleventh century, it is very probable that these emigrants carried with them their own law-book, which it was impossible for Mechithar Ghosh to meet with in Armenia. The Armenian colonists in Poland being in possession of a law-book of their own, were guided by it in all their civil and judicial affairs, as stated above. Yet, upon all this, considering the laws al-

luded to by him, relative to the prerogatives of kings and the rights of princes, we are led to conclude that Mechithar Ghosh was at least possessed of some fragments of the laws of the kings of the ancient Bagratidæ and Arsacidæ, otherwise he would have candidly declared that the code was entirely his own production. This carries with it its own improbability. And it is not injudicious to adopt this conclusion from the perusal of the second chapter of the prefatory observations of his law-book, in which he says :—“ This string of laws will perhaps be considered an object of ridicule by those in whose hands it may chance to fall! They will assimilate us in their mind’s eye to those who, in a fit of delusion, dream of kingdoms and of royal splendour and glory; but no sooner they are awakened from their illusive and enchanting dreams, than they see nothing but the mere shadow of what their heated imagination had portrayed in glowing colours! But, let them remember that I am not ignorant of the vanity and transitoriness of all earthly kingdoms! Of this we have a most singular and striking proof in the rise, progress, and annihilation of our own kingdom. The past has vanished for ever—the present is a mere tantalising nonentity—the future I can scarcely hope to see! Yet, these distressing circumstances and melancholy reflections will not be permitted to cool my ardor in prosecuting the task of framing a complete code of laws, conformable to the wants and present state of the nation, from the conviction, that the utility of my production will be generally acknowledged and duly appreciated. In attempting to publish and promulgate this work, I must crave the kind indulgence of unbiassed observers; and, in so doing, I stand fully prepared to be visited with the censures of hasty and fastidious critics, for such errors and imperfections as may be found in this production of mine. Yet I still entertain a hope, that they will consider me worthy of credit for good intentions, though they may not be disposed to extend to me their pardon for the defects of my work.” From these observations of Mechithar Ghosh it is to be inferred, that the laws contained in his book were not *bonâ fidé* his sole production, but a compilation from those framed by ancient Armenian law-givers. In preparing this article on the laws and law-books of the Armenians, I have availed myself of Inchichian’s “ *Antiquities of Armenia*,” a work published at Venice in 1835, and replete with deep research and

most valuable information. If the Mechitharistic Society\* of Venice be disposed to publish a correct edition of the code of Mechithar Ghosh, and of the book of laws prepared under the auspices of the Armenian king, Johannes the Bagratian,—authentic copies of which are preserved in the extensive library of that learned body,—they will certainly confer a very heavy obligation on their countrymen generally, but more particularly on the Armenians located within the pale of the government of British India. An approved and unexceptionable edition of these two statute-books of the Armenians, cannot but be most servicable to the judges of the Sudder Dewany Adawlut, who will be entirely guided by them as by an unerring criterion in their decisions on causes and questions arising from hereditary gifts and testamentary bequests of the Armenians residing under the jurisdiction of the Mofussil courts. But in the absence of printed Armenian law-books, questions of succession to property, in cases in which the litigants were known to be Armenians, have been invariably referred in writing by the judges of the Company's courts to such of the Armenian bishops as happened to sojourn or itinerate in this part of British India, during the period of their triennial or septennial episcopal visitation, which they performed in accordance with the written and acknowledged authority with which they were respectively invested by the pontificate of Etchmiatchin,† near Erevan, in the province of Ararat, the archbishoprick‡ of Julpha in Ispahan, and the patriarchate of Jerusalem,§

\* This veteran Society was established in the year 1717, and its members have been pre-eminently successful in the revival and cultivation of the classical literature of Armenia, by the publication of numerous philosophical, philological, and scientific works of sterling merit. The members of this Society lead a strictly monastic life. The following lines are extracted from the life of its zealous and patriotic founder :—

“ Մենաստանս այս ըստ բոլորին  
 Շինեալ եղև 'ի վառս Փրկչին ,  
 Յաբբայու թեան Սեբաստացւոյ  
 Մխիթարայ վարդապետին : ”

“ Fuit hoc monasterium totum tempore Mechithar Petri ex Sebaste I. Abbatis extractum. A. D. 1740.”

† 'Ի կաթողիկոսարանէն նբոյ էջմիածնի :

‡ Յառաջնորդարանէն Ջուղայու :

§ 'Ի Պատրիարգարանէն Երուսաղէմի :

to which each or any of them individually belonged. Sometimes, in the absence of Armenian bishops, the officiating Clergy attached to the Armenian church of Calcutta have also been consulted on questions of inheritance, or testamentary bequests. The exposition of the Armenian law or usage, furnished by these episcopal and clerical dignitaries of the Armenian church, in accordance with the specific queries put to them, has, almost in all instances, guided the judges of the Company's courts, either in determining similar questions pending *sub judice*, or in pronouncing their decisions in cases of the above mentioned description. The Company's courts, so far as my information extends, pursue the practice sanctioned by the precedents alluded to above.

In connection with the subject of Armenian laws and law-books, I think it necessary to add, that in June 1838, I was requested by my highly esteemed and deeply lamented friend, Mr. James Prinsep, to pass my opinion on a certain Armenian code of laws in manuscript, which accompanied his letter, for my perusal and consideration. I cheerfully undertook the task intrusted to me, and instantly put him in possession of my opinion in a letter, of which the following is a copy:—

TO JAMES PRINSEP, ESQ.

MY DEAR MR. PRINSEP,

I have received your note of yesterday's date, together with a manuscript volume in the Armenian language, and hasten to put you in possession of my candid opinion on the same.

The book in question is a code of laws, both civil and ecclesiastical, written or transcribed in the Haican era 1135, corresponding with the year of our Lord 1686, partly by a priest named Alexianus, and partly by a bishop named Jacob, native of Ghrim, and pupil of another bishop named George, of the see of Ezinka. The transcription thereof was made at the desire of another bishop named Thomas, and inscribed to Stephanus, the supreme patriarch of the Aluans. The work is based on Mosaic laws, and the materials of which it is composed are derived from the Old and New Testaments, and from other ancient records.

Mechithar Ghosh, who flourished in Armenia between the close of the twelfth and the beginning of the thirteenth century, and who is eminently distinguished in the page of our national history for his unrivalled attainments, is known to have been the author or

originator of a code of Armenian laws, which was then generally used in the courts of judicature of our country. History also tells us that another code of laws was in existence in Armenia, so far back as the year of Christ 1046, written or prepared under the auspices of the Armenian king, Johannes Bagratian. The latter has been in general use among the numerous Armenian population of Poland, where a transcript of it is preserved, with a Latin translation; but the text or original work is not to be found. As neither of these law-books has found its way to India, I am unable to say whether the volume you have sent me is a transcript of the one or the other, for the name of the author or legislator has unfortunately not been inserted therein. I am, however, inclined to think it to be a compilation from both, but cannot take it upon myself to say, whether it is one of established legal reputation in Armenia. It is greatly to be regretted that the code of Mechithar Ghosh has never been printed or published to this day. This, under existing circumstances, is certainly a very serious evil to the Armenians living under the jurisdiction of our Zillah courts.

The following is a translation of a portion of the Chapter on Inheritance:—

*“ Chapter CIV.—Of the division of Property.*

“ Conformably to the rule of division, property must be equally divided in the following manner: that is to say, the whole of the property to be considered as one drachma, and the drachma as six oboli. If there be a son and a daughter in the family, the property must be thus divided: that is to say, two and a half oboli to the brother, two and a half oboli to the sister, and one obolus to the mother. But, if there be two sisters, and both of them married, the two sisters are to be looked upon in the light of one brother. Two and a half oboli to be given to the brother, two and a half oboli to the two sisters, and one obolus to the mother.”

From this it will appear, that the wife or mother is entitled to one-sixth of the property bequeathed by the father or husband. This custom or usage, so far as my information extends, does to this day obtain among the Armenians residing in the various parts of Persia and Turkey. It is difficult for me to ascertain whether the Armenians living under the rule of Russia,\* are equally guided or influenced by this usage.

\* A code of laws, bearing the affix of the imperial *fiat*, was concocted and published in 1836, for the guidance of the Armenians living in Ararat, one of the provinces of Armenia which is now under the sway of Russia. A copy of this code of

Herewith I return you the manuscript volume, with the contents of which I have already been made acquainted, by the kindness of its former owner.\* Another copy of this work, though not so elegantly written, was in the possession of one † of the Armenian priests of Calcutta; but in consequence of his death, it was, together with his other books, sent to his son at Ispahan in January last. Should you require an English translation of any other portion of the work, I shall feel most happy to furnish you with it. ‡

Believe me to be,

CALCUTTA,

Your's very truly,

26th June, 1838.

JOHANNES AVDALL.

laws in manuscript having been sent to me from Madras, I instantly put it into the press, and published a sufficient number of copies thereof for the numerous Armenians living in different parts of British India. The contents of this code are, however, inapplicable and scarcely of any use or benefit to my expatriated countrymen, scattered throughout this portion of the globe. Driven as we are from our country by Moslem despotism and unrelenting persecution—bereft as we are of our national glory and independence—wandering as we are on the surface of the globe like the scattered children of Israel, but partially domiciled here, under the fostering and paternal care of the British Government, I trust I shall not be taxed with presumption in expressing a wish, that a string of laws, well adapted and suited to the circumstances and general condition of the Armenians settled in this country, framed and concocted by the wisdom of the Legislative Council, be passed and promulgated by the Supreme Government of British India, with the view of promoting and securing the welfare of the children of their adoption. In asking this boon, I rest assured that it will be conceded to us by the illustrious and philanthropic head of our government.

\* The former owner of this law-book was the late Right Rev. Hárúthéun Várdápiet Սրբազան Զարու Յիւն Վարդապետ of the fraternity of the Armenian Convent of Julpha in Ispahan. In the year 1824, while residing at Sydabad with his brother, the late patriotic Manásácán Vardon, the Rev. gentleman was applied to in writing by Mr. G. C. Master, first judge of the Provincial Court for the division of Dacca, to state his opinion on a certain question of inheritance, arising from the will of a certain opulent Armenian inhabitant of that place. In complying with Mr. Master's request, this dignitary of the Armenian church availed himself of the contents of this very law-book. His opinion on the subject is justly and appropriately prefaced by these words—"All laws of justice, either civil or ecclesiastical, in all Christian nations, have their origin from the Holy Scriptures." The judges, I am credibly informed, were guided by his opinion in pronouncing their decisions. Hence, it is evident, that the book in question was considered by the judges as a sufficient authority. On the death of Hárúthéun Várdápiet, the book alluded to became the property of his brother, Mr. Manásácán Vardon, on whose demise it devolved on his eldest son, and is now in the possession of his youngest son, Mr. S. M. Vardon.

† The late Rev. Ter Marcar Ter Carapiet, Հանգուցեալ Սրբազան Տէր Մարգար Տէր Կարապետեան formerly vicar of the Armenian church of Calcutta, of happy and blessed memory.

‡ The utility of piecemeal extracts from these manuscript Armenian law-books, will be temporary and confined to a few only. As several of the Armenian residents in the Mofussil, have a large and extensive property in lands and talúks, would it not be advisable for them to adopt measures for printing at the Armenian press in Venice the code of Mechithar Ghosh, and the law-book of the Armenian king, Johannes Bagration? Let them come forward and supply the *sine qua non*, and the long-desired object will be speedily and satisfactorily consummated.